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Ms. Michelle Arsenault, Special Assistant
National Organic Standards Board
USDA–AMS–NOP
1400 Independence Ave. SW.,
Room 2648-So., Mail Stop 0268
Washington, DC 20250–0268;

Re: Docket AMS-NOP-12-0040; NOP 12 - 12
NOSB GMO Ad hoc Subcommittee Discussion Document GMOs and Seed Purity

Dear Ms. Arsenault:

Thank you for the opportunity to provide comments to the National Organic Standards Board (NOSB) regarding the GMO Ad hoc Subcommittee Discussion document entitled GMOs and Seed Purity.

The Accredited Certifiers Association (ACA) represents 43 foreign and domestic accredited certifying agents. Our comments were developed through a Working Group of interested ACA members with input solicited from our entire membership.

The ACA appreciates the work of the Subcommittee in seeking to gather information regarding how best to address the important topic of prevention of contamination of organic crops from genetically modified crops.

Our members believe that the issue of contamination from genetically modified crops is a larger issue than just contamination of only organic crops. Many producers of value added / identity preserved conventional crops are also affected by this issue. While to date the genetically modified crop production industry has resisted both the labeling of gmo products and addressing the issue of contamination from these crops, we believe that ultimately the entire agricultural industry must work towards eliminating the genetic contamination issue. The responsibility for prevention of contamination of organic crops must not rest with only the organic producer. The discussion of a seed purity standard needs to occur at all levels – certification agency staff, producers, and handlers including buyers and marketing cooperatives, etc.

Our certification agency members support moving toward a better standard for seeds used in organic production but are concerned that a seed purity requirement will add significant testing to the certification process and will a) move away from the historic processed based standards and practices of organic agriculture, and b) increase the costs of certification agencies, and ultimately certified operators.

As we have indicated in previous comments we have submitted to the NOSB, continuing to add costs to the certification process (such as increased costs from implementation of the pasture rule, proposed pesticide residue testing, proposed increased unannounced inspections) will have a detrimental impact on smaller producers as there will be substantial cost adjustments that could likely move many smaller producers out of the organic certification realm.

The ACA specific comments are:

a) A defined seed purity protocol would be welcome, providing that this protocol is primarily focused on a processed-based system, with genetic contamination testing used as the last resort. This protocol could include:

   For Producers:

   documented seed sources
   selection of appropriate field locations
   buffer zone size and composition; documentation and verification of buffer zone
   equipment cleanout documentation (both planting and harvesting equipment)
   storage documentation
   transport clean out practices

   For Handlers:

   plan to address comingling

   Participation in seed quality assurance programs and identity preserved programs should be encouraged for producers and handlers of organic seed.

   As with existing National Organic Program regulations, the above protocol should be permitted to be addressed on a site-specific, rather than prescribed requirements for all producers.

b) The NOP definition of “excluded methods” may need to be reviewed to determine if the examples included continue to relate to the terminology common in the industry today.

c) Clarification and education on the terms and processes used in genetic modification field are needed for producers and certification agency staff. Information such as whether genetic manipulation of parent stock, as in cell fusion, with the resulting hybrid containing no genetically engineered DNA, is considered an excluded method. The NOP Rule states that cell fusion is an excluded method; the EU does not consider all types of cell fusion a prohibited practice.

Information on the specific production methods of many seeds is not readily available to either producers or certification agencies. Up to date information regarding what crops are produced utilizing excluded methods and what crops are subject to GMO cross contamination is also needed.

d) Guidance is needed regarding what types of testing protocol should be used in specific situations. The guidance should include issues such as
    - which seeds/crops need to be tested
    - custody protocol
    - type of test to be used [are test strips adequate; should a PCR (polymerase chain reaction) test protocol be utilized
    - what is the accuracy and consistency of the various tests

    Guidance and assistance is also needed regarding the interpretation of the test results. We encourage the use of one well defined specific type of terminology as various options could leave an opening for determinations to be stretched or not conclusive.

    The guidance or training should apply to both producers and certification agency staff.

Any recommendation or policy should be reviewed for compatibility with other international agreements. Currently, the EU and Asian countries have as established tolerance for the presence of GMOs.

In summary, the ACA supports the development of a processed based seed purity protocol to include increased education and guidance for producers and certification agency staff.

Thank you for the opportunity to comment on this Discussion Document, and thank you to the GMO Ad Hoc Subcommittee for their work on this important issue.

Sincerely,

Patricia Kane

Patricia Kane
Coordinator